



SAN FRANCISCO DISTRICT

US Army Corps  
of Engineers

# PUBLIC NOTICE

NUMBER: 29382S

DATE: May 27, 2005

RESPONSE REQUIRED BY: June 27, 2005

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

PERMIT MANAGER: Robert Lawrence; PHONE: (415) 977-8020; E-mail: robert.j.lawrence@usace.army.mil

**1. INTRODUCTION:** The Alameda Reuse and Redevelopment Authority has applied for a ten-year Department of the Army permit to maintenance dredge a portion of the Alameda Point Channel and turning basin (channel) in the City of Alameda, Alameda County, California (the remainder of the channel is in the City and County of San Francisco, California). The purpose of the proposed dredging is to remove accumulated sediment that prevents safe navigation of Maritime Administration vessels in the channel. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to remove approximately 141,000 cubic yards (cys) of sediment from an 16.8-acre (approximately) portion of the 82-acre (approximately) channel in Alameda County in an initial episode and a total of approximately 442,000 cys over the life of the permit. (Dredging of the 44-acre [approximately] San Francisco County portion will be subject to a separate permit or permit modification action. The initial volume dredged will be approximately 8,000 cys; the total for the life of the permit will be approximately 22,200 cys.) Existing depths range from -27 to -31 feet mean lower low water (MLLW) in the channel. The design depth for the channel is -32 feet MLLW plus an additional 2-foot over dredge allowance. The material would be removed using a clamshell or hydraulic dredge and removed by barge to the Alcatraz Disposal Site (SF-11). The applicant is also proposing periodic knockdown episodes to reduce the frequency of dredging.

Prior to each dredging, or knockdown, episode the Dredge Material Management Office (DMMO) will evaluate the sediments to be dredged for disposal or reuse suitability. The DMMO includes representatives from the U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission (BCDC), San Francisco Bay Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (Corps). The DMMO is tasked with approving sampling and analysis plans in conformity with testing manuals, reviewing the test results and reaching consensus regarding a suitable disposition for the material.

### **3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation

with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include Chinook salmon, steelhead trout and California least tern.

Please note that programmatic biological opinions (BOs) were issued by FWS (March 12, 1999) and NMFS (September 18, 1998) for the Long Term Management Strategy for the placement of dredged material in the San Francisco Bay region. As a result of the BOs there are allowable time frames to dredge to protect the habitat for threatened (and endangered) species and the species themselves per Section 7 of the Endangered Species Act of 1973, as amended. If the dredge work is conducted within those time frames, there is no need for consultation.

Federally-listed endangered adult winter-run chinook salmon (*Oncorhynchus tshawytscha*) migrate through San Francisco Bay, as well as Suisun Bay and Honker Bay, to spawning areas in the upper Sacramento River during the late fall and early winter. Juveniles travel downstream through San Francisco Bay to the Pacific Ocean in the late fall as well. The movements of adult and juvenile salmon through the Bay system are thought to be rapid during these migrations. Since impacts to the water column during disposal events would be short-term, localized and minor in magnitude, no potentially adverse effects to winter-run Chinook salmon that may be near the disposal site are anticipated, if the dredge work is conducted from June 1 through November 30. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

Central California populations of steelhead trout (*Oncorhynchus mykiss*) were classified as federally threatened in August 1997. The steelhead that occur in San Francisco Bay are included in this ESU (evolutionarily significant unit) and therefore receive protection under the Endangered Species Act. There is concern that steelhead migrating through the Bay might

enter Alameda Point Channel. If a permit is issued for this proposed project it will contain a condition that dredging is allowed only from June 1 through November 30 in any year, without consultation (pursuant to Section 7 of the ESA) with and approval from NMFS and the Corps.

California least tern (*Sterna antillarum brownii*) was classified as federally endangered in 1970, and therefore receive protection under the Endangered Species Act. The terns breed in the eastern part of the San Francisco Bay, from the Berkeley Marina to San Lorenzo Creek within one mile of the coastline. The dredging project is located within the breeding area of the California Least Tern. The permit will contain a condition that dredging is allowed only from August 1 through March 14.

Additionally, the Corps has concerns regarding potential impacts to Pacific herring during its annual spawning season. The proposed maintenance dredging will occur within the traditional Pacific herring spawning grounds. As a result, the Corps will condition the permit (if issued) so that dredging will be allowed only from March 1 through November 30 in any year.

**Magnuson-Stevens Fisheries Conservation and Management Act:** This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Alameda Point Channel is located south of the San Francisco-Oakland Bay Bridge, along the eastern shore of San Francisco Bay, Alameda County. The proposal would initially impact approximately 16.8 acres of EFH, in Alameda County, utilized by various species of sole, shark and rockfish. (The entire project footprint is a total of approximately 126 acres [approximately 82 acres in Alameda County and approximately 44 acres in San Francisco County]. The channel is not expected to require dredging, in its entirety, at any one time.) The recently-deposited bottom sediments to be dredged during maintenance dredge activities are composed mainly (approximately 95%) of silts and clays (mud). The channel has a history of dredge events and the Corps considers the habitat to be disturbed. It is presumed that fish species utilizing the area would be using it for feeding during a period of growth. When dredging occurs, the fish should be able to find ample and suitable foraging areas adjacent to the

channel. As the infaunal community recovers in the dredged area, fish species will return to feed. Eelgrass is not expected to be established in this area, at the existing depths.

Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in California waters. This determination is based on the fact that the channel has been dredged several times in the past, the disposal site has been used since the 1960s for disposal and, therefore, both sites are considered to be disturbed and the proposed activity will result in no new impacts to EFH. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

#### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that a valid request has been submitted to the San Francisco Bay Regional Water Quality Control Board for State water quality certification. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project; it has been

reviewed and found to be in compliance with the guidelines. The applicant states that there are no practicable alternatives to aquatic disposal for this project.

**Coastal Zone Management Act of 1972 (CZMA):** Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the San Francisco Bay Conservation and Development Commission (BCDC), 50 California Street, Suite 2600, San Francisco, California 94111.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

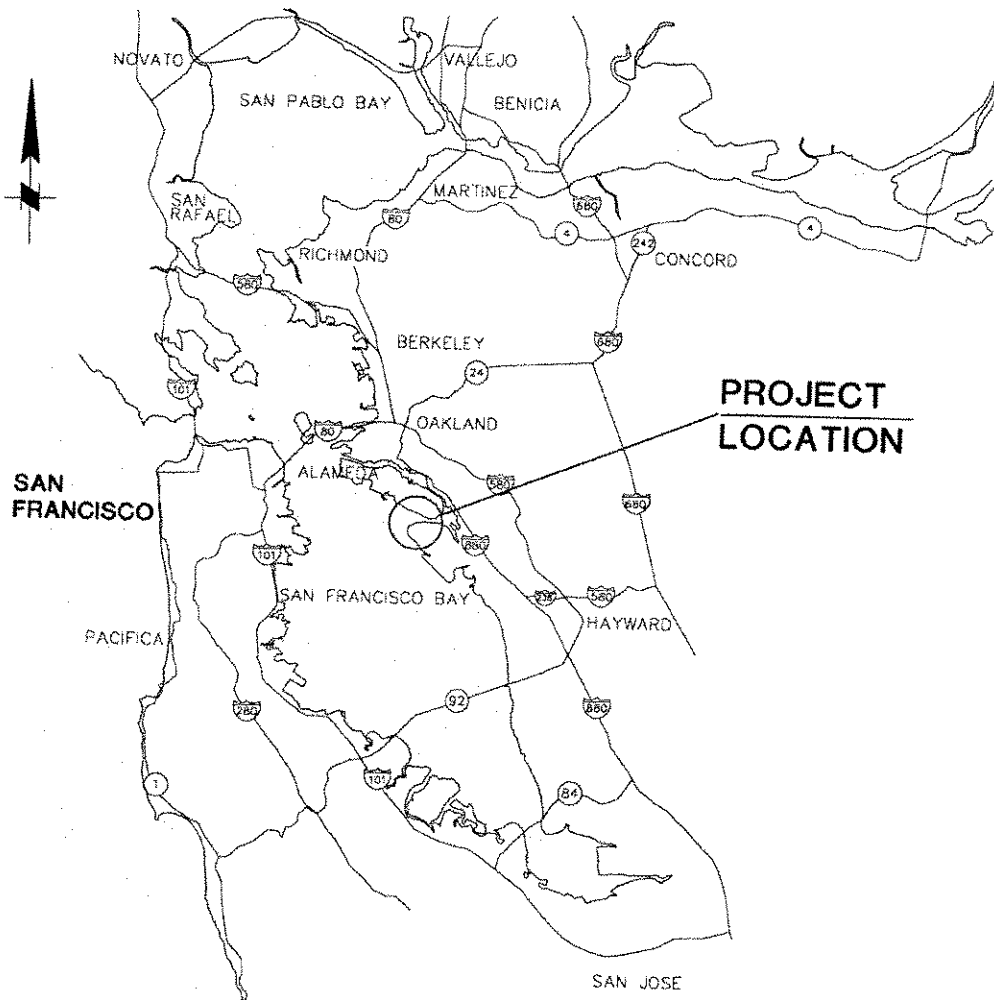
**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public,

Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to Mr. Robert Lawrence at the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Mr. Robert Lawrence of our office at telephone number (415) 977-8020 or by E-mail at: [robert.j.lawrence@usace.army.mil](mailto:robert.j.lawrence@usace.army.mil). Details on any changes of a minor nature that are made in the final permit action will be provided upon request.



**VICINITY MAP**  
NTS

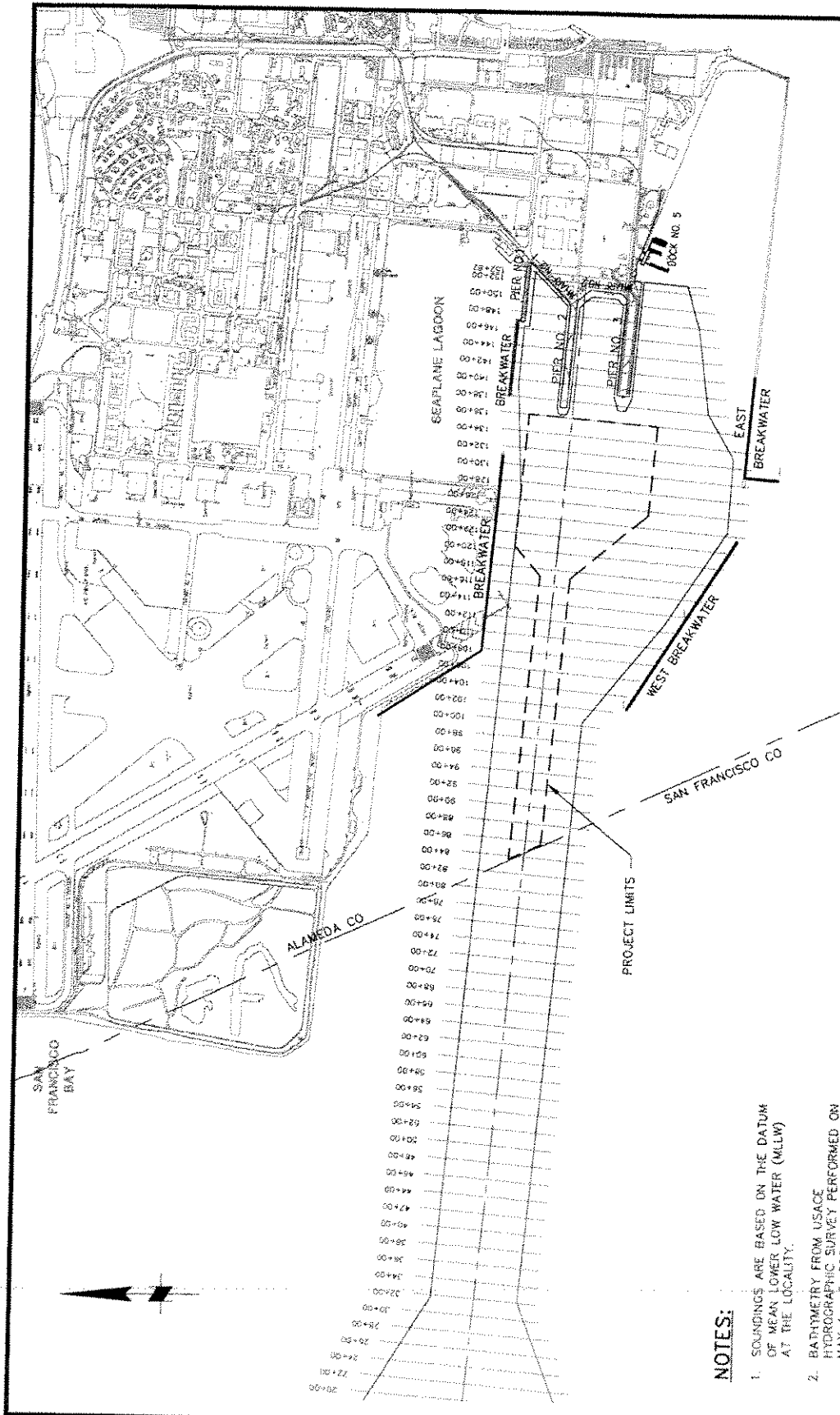
PURPOSE: DREDGE ALAMEDA CHANNEL  
 DATUM: MLLW  
 ADJACENT PROPERTY OWNERS:  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

**FIGURE1 - VICINITY MAP  
 ALAMEDA COUNTY DREDGING**

CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94501

**ALAMEDA POINT CHANNEL DREDGING**

IN: SAN FRANCISCO BAY      DATE: MAY 2005  
 AT: ALAMEDA POINT      SHT 01 OF 08  
 COUNTY OF: ALAMEDA  
 APPLICATION BY: CITY OF ALAMEDA



#### NOTES:

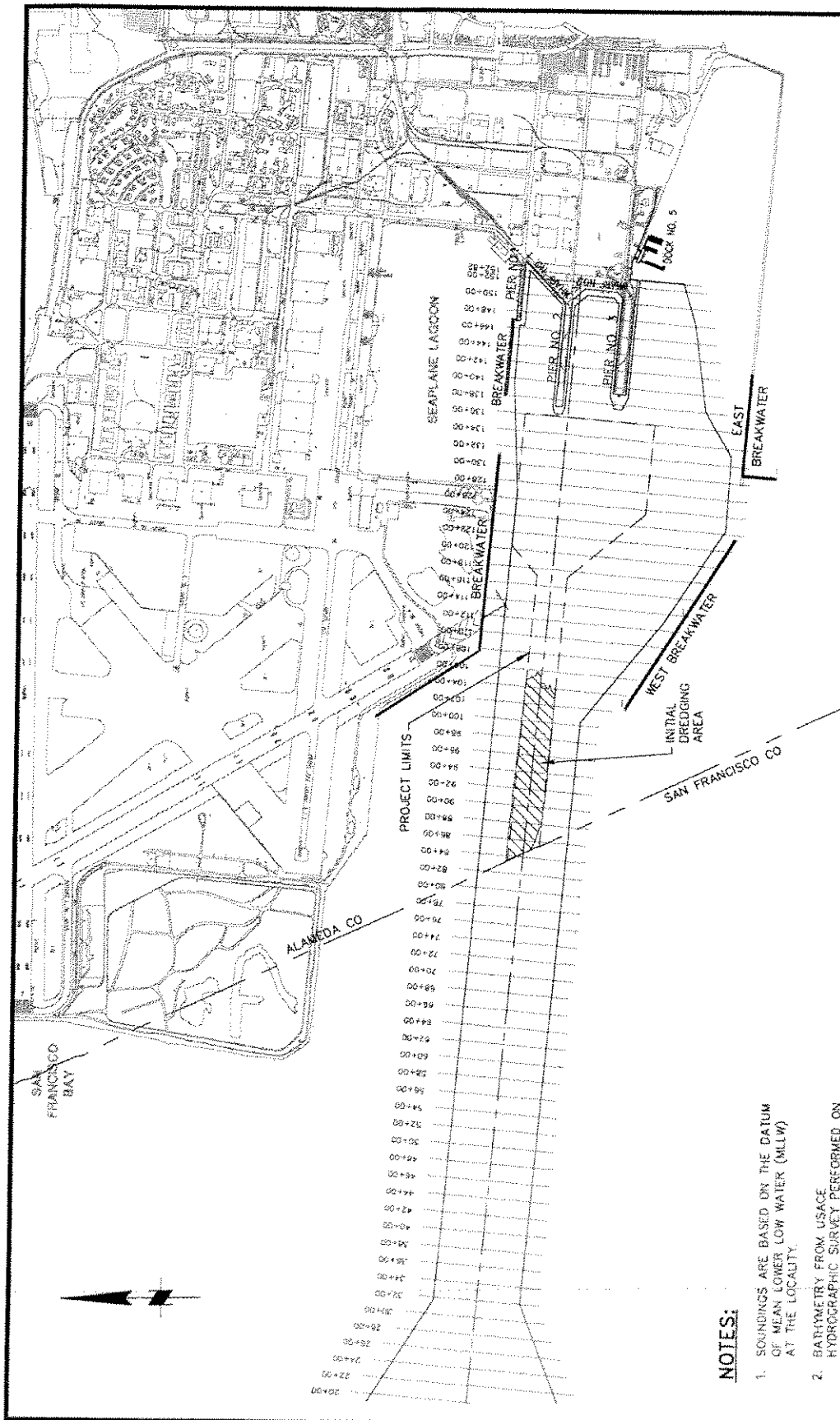
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2. BATHYMETRY FROM USACE HYDROGRAPHIC SURVEY PERFORMED ON MAY 4 - 5, 2004.
3. DREDGE AREA SHOWN REPRESENTS SITE CONDITIONS ON DATE OF SURVEY.

PURPOSE: DREDGE ALAMEDA CHANNEL  
 DATUM: MLLW  
 ADJACENT PROPERTY OWNERS:  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

FIGURE 2 - PROJECT SITE PLAN  
 ALAMEDA COUNTY DREDGING  
 CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94601

#### ALAMEDA POINT CHANNEL DREDGING

IN: SAN FRANCISCO BAY  
 AT: ALAMEDA POINT  
 COUNTY OF: ALAMEDA  
 APPLICATION BY: CITY OF ALAMEDA  
 DATE: MAY 2005  
 SCALE: 1" = 1600 FT.  
 SHEET 02 OF 08



**NOTES:**

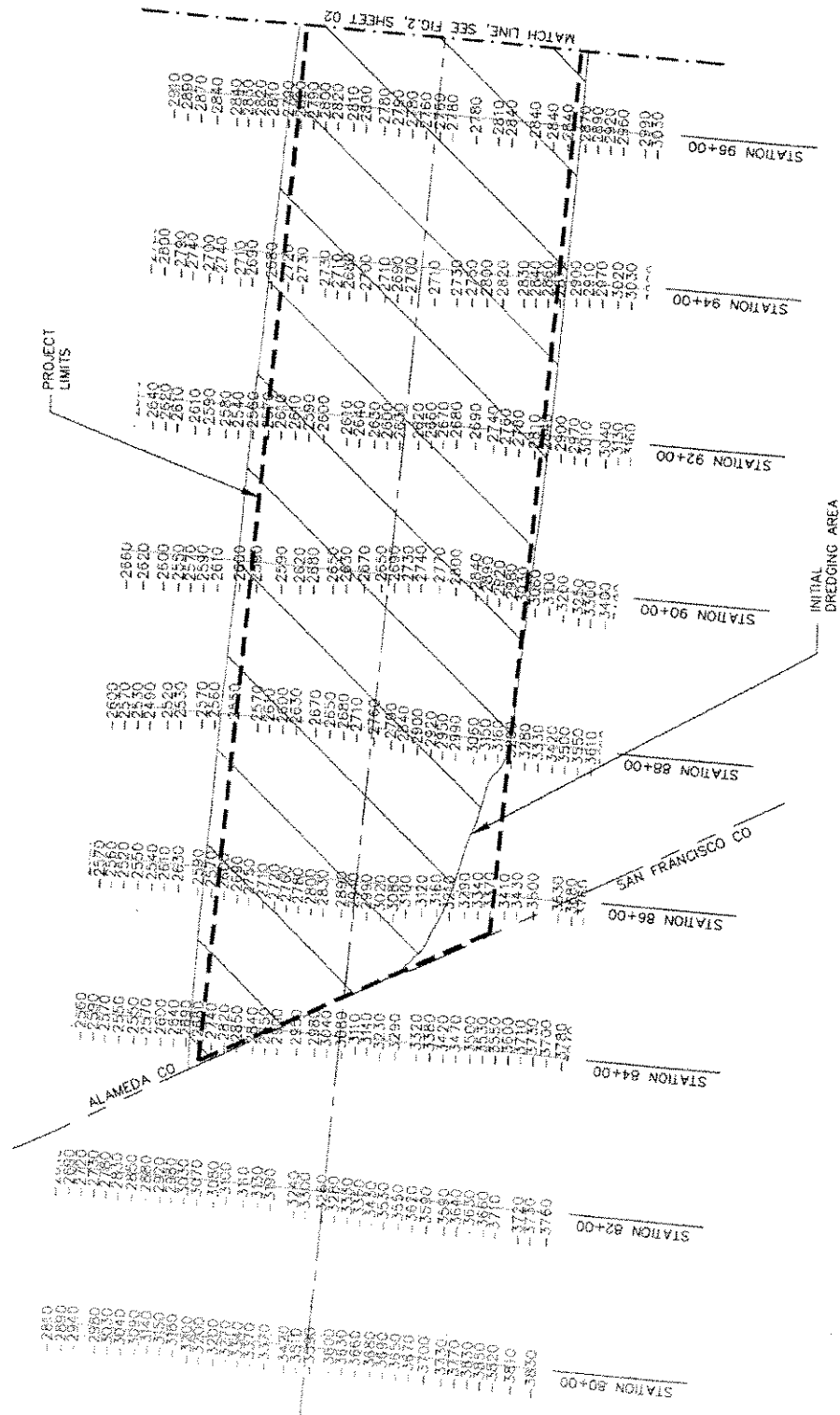
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3. DREDGE AREA SHOWN REPRESENT SITE CONDITIONS ON DATE OF SURVEY.

**PURPOSE:** DREDGE ALAMEDA CHANNEL  
**DATUM:** MLLW  
**ADJACENT PROPERTY OWNERS:**  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

**FIGURE 3 - INITIAL DREDGING SITE PLAN**  
**ALAMEDA COUNTY DREDGING**  
 CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94501

**ALAMEDA POINT CHANNEL DREDGING**

**IN:** SAN FRANCISCO BAY  
**AT:** ALAMEDA POINT  
**COUNTY OF:** ALAMEDA  
**APPLICATION BY:** CITY OF ALAMEDA  
**DATE:** MAY 2005  
**SCALE:** 1" = 1600 FT.  
**SHEET 03 OF 08**



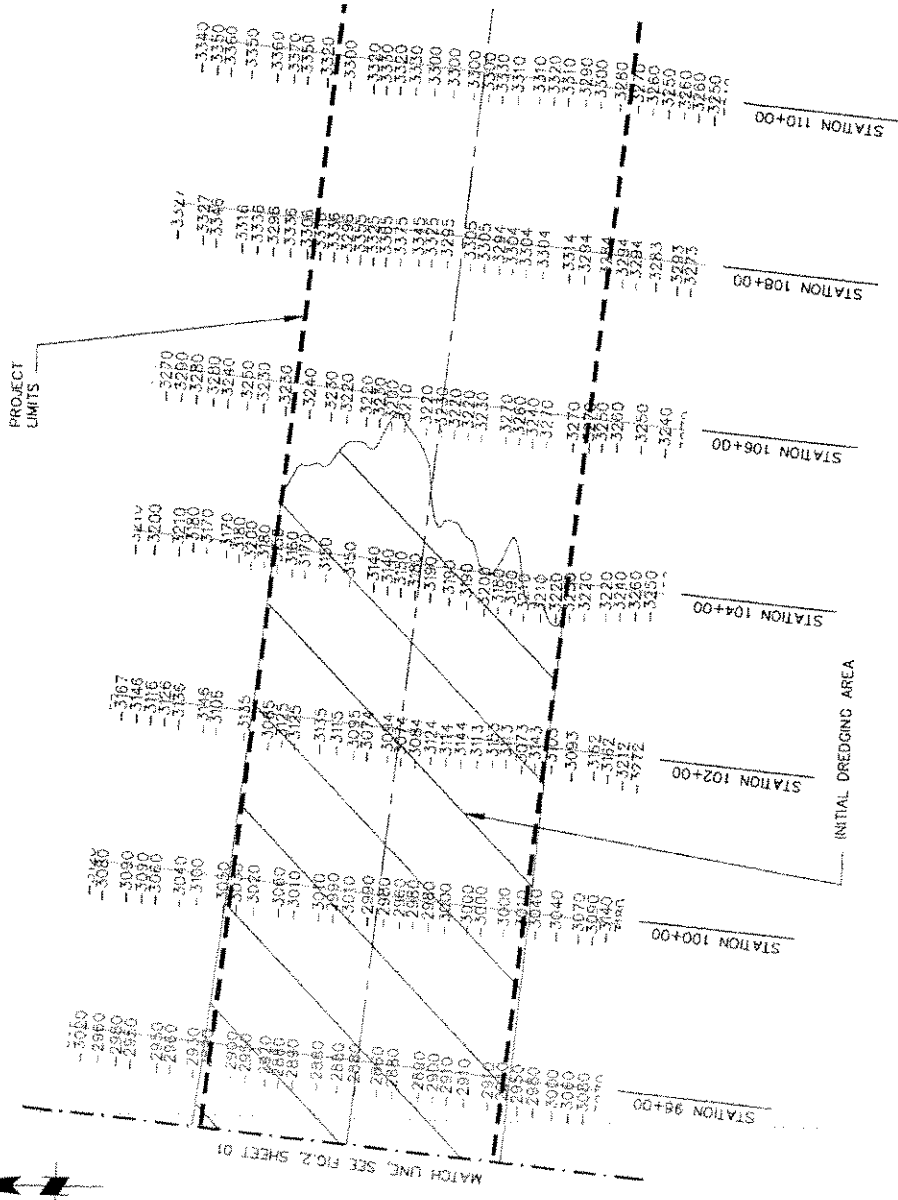
PURPOSE: DREDGE ALAMEDA CHANNEL  
DATUM: MLLW  
ADJACENT PROPERTY OWNERS:  
1. U.S. NAVY  
2. CITY OF ALAMEDA

FIGURE 4a - INITIAL DREDGING LIMITS  
ALAMEDA COUNTY DREDGING  
CITY OF ALAMEDA  
950 WEST MALL SQUARE  
ALAMEDA, CA 94501

ALAMEDA POINT CHANNEL DREDGING

IN: SAN FRANCISCO BAY  
AT: ALAMEDA POINT  
COUNTY OF: ALAMEDA  
APPLICATION BY: CITY OF ALAMEDA  
DATE: MAY 2005  
SCALE: 1" = 200 FT.  
SHEET 04 OF 08





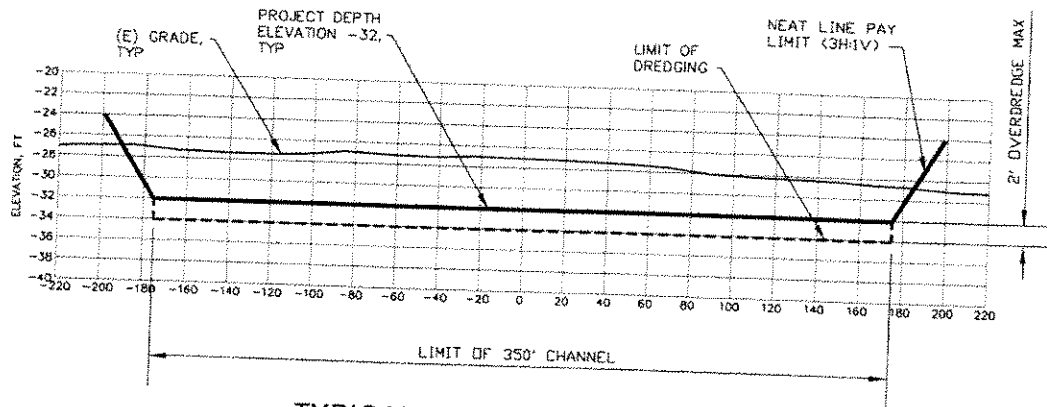
PURPOSE: DREDGE ALAMEDA CHANNEL  
DATUM: MLLW  
ADJACENT PROPERTY OWNERS:  
1. U.S. NAVY  
2. CITY OF ALAMEDA

FIGURE 4b - INITIAL DREDGING LIMITS  
ALAMEDA COUNTY DREDGING

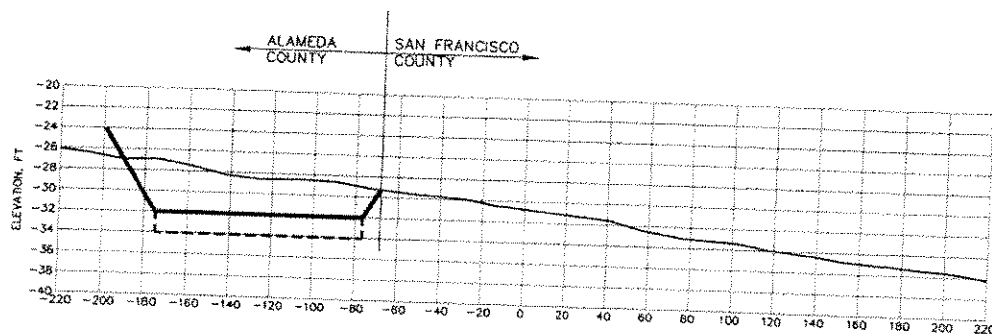
CITY OF ALAMEDA  
950 WEST MALL SQUARE  
ALAMEDA, CA 94501

ALAMEDA POINT CHANNEL DREDGING

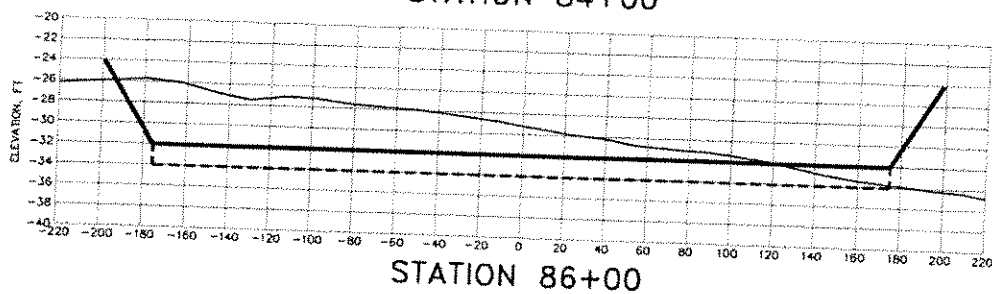
IN: SAN FRANCISCO BAY  
AT: ALAMEDA POINT  
COUNTY OF: ALAMEDA  
APPLICATION BY: CITY OF ALAMEDA  
DATE: MAY 2005  
SCALE: 1" = 200 FT.  
SHEET 05 OF 08



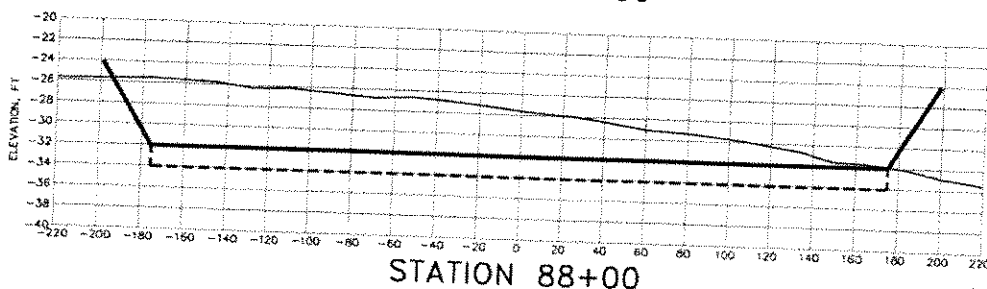
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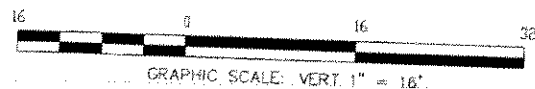
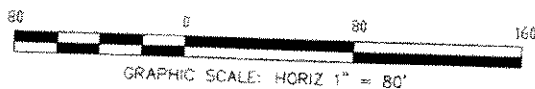
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**STATION 86+00**



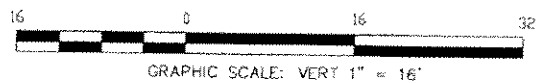
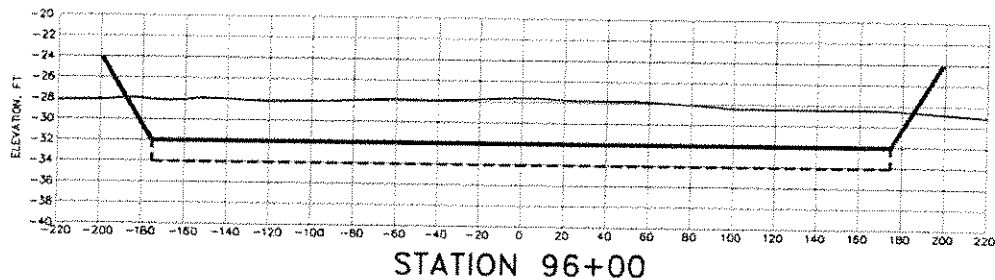
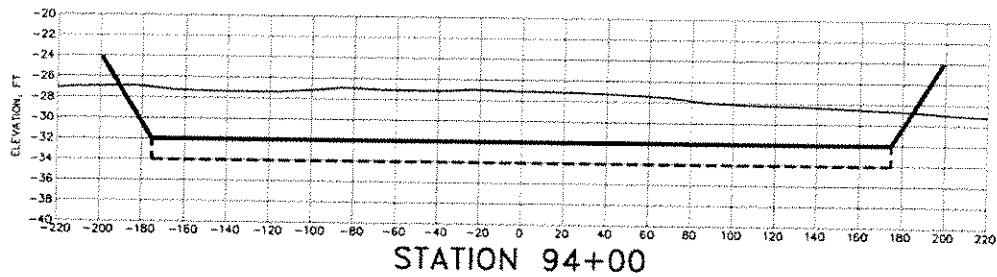
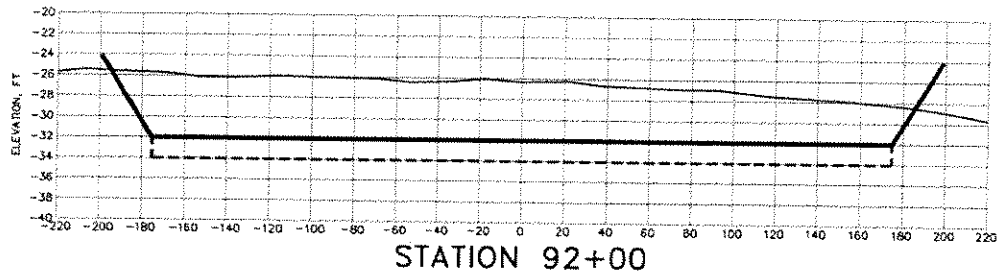
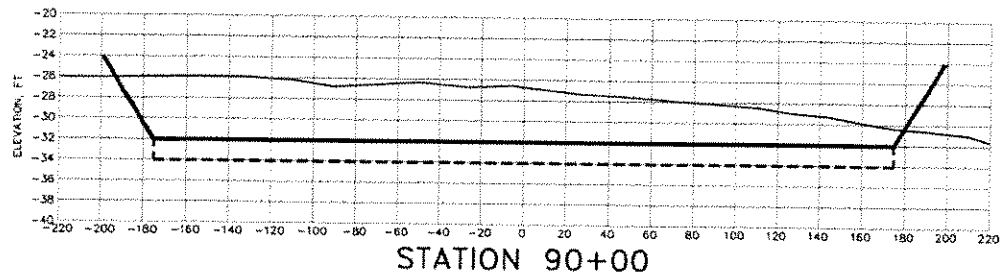
**STATION 88+00**



PURPOSE: DREDGE ALAMEDA CHANNEL  
 DATUM: MLLW  
 ADJACENT PROPERTY OWNERS:  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

**FIGURE 5a - INITIAL DREDGING  
 CROSS SECTIONS**  
 ALAMEDA COUNTY DREDGING  
 CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94501

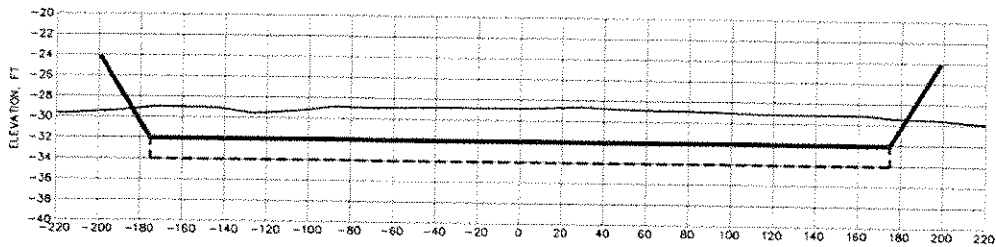
**ALAMEDA POINT CHANNEL DREDGING**  
 IN: SAN FRANCISCO BAY DATE: MAY 2005  
 AT: ALAMEDA POINT SHT 06 OF 08  
 COUNTY OF: ALAMEDA  
 APPLICATION BY: CITY OF ALAMEDA



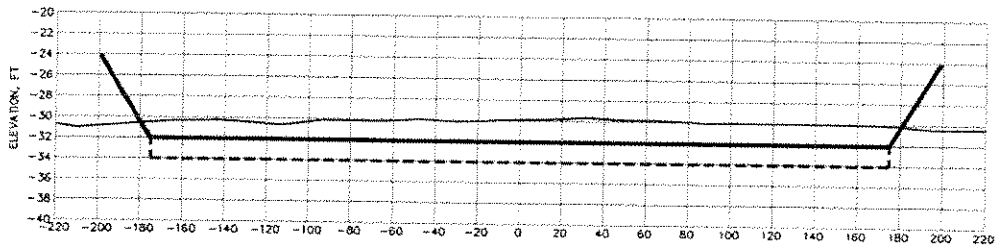
PURPOSE: DREDGE ALAMEDA CHANNEL  
 DATUM: MLLW  
 ADJACENT PROPERTY OWNERS:  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

FIGURE 5b - INITIAL DREDGING  
 CROSS SECTIONS  
 ALAMEDA COUNTY DREDGING  
 CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94501

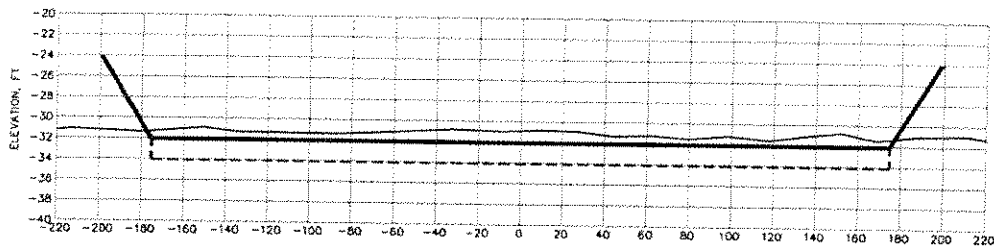
ALAMEDA POINT CHANNEL DREDGING  
 IN: SAN FRANCISCO BAY DATE: MAY 2005  
 AT: ALAMEDA POINT SHT 07 OF 08  
 COUNTY OF: ALAMEDA  
 APPLICATION BY: CITY OF ALAMEDA



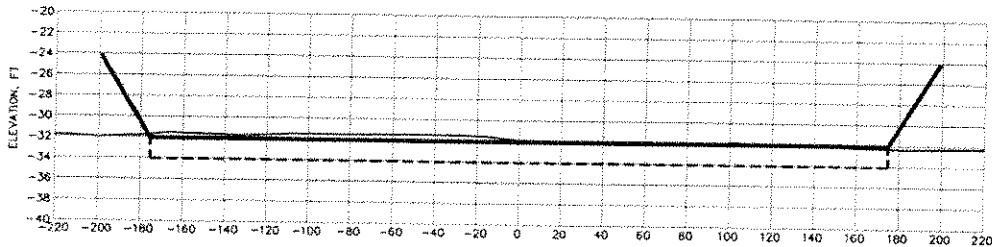
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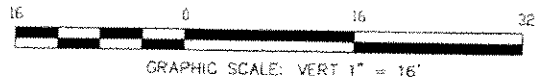
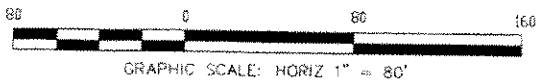
STATION 100+00



STATION 102+00



STATION 104+00



PURPOSE: DREDGE ALAMEDA CHANNEL  
 DATUM: MLLW  
 ADJACENT PROPERTY OWNERS:  
 1. U.S. NAVY  
 2. CITY OF ALAMEDA

FIGURE 5c - INITIAL DREDGING  
 CROSS SECTIONS  
 ALAMEDA COUNTY DREDGING  
 CITY OF ALAMEDA  
 950 WEST MALL SQUARE  
 ALAMEDA, CA 94501

ALAMEDA POINT CHANNEL DREDGING  
 IN: SAN FRANCISCO BAY DATE: MAY 2005  
 AT: ALAMEDA POINT SHT 08 OF 08  
 COUNTY OF: ALAMEDA  
 APPLICATION BY: CITY OF ALAMEDA